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JAN 13 2006

In re Application of :  
Tomohiro Nakata et al. :  
Application No. 10/014,516 :  
Filed: December 14, 2001 :  
Attorney Docket No.: Q67231 :  
:

**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision on the petition filed December 16, 2005, under 37 CFR 1.181, to withdraw the holding of abandonment for the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned on August 15, 2005, for failure to timely submit a timely response to the non-Final Office Action mailed May 12, 2005, which set a three month period for reply. Accordingly, a Notice of Abandonment was mailed December 13, 2005.

Petitioner asserts that a response was filed and, in support, petitioner has submitted, *inter alia*, a copy of the response in the form of an amendment and a post card receipt date stamped August 10, 2005 by the USPTO.

A search of the application file and the USPTO records reveals that in fact, an amendment was filed on August 10, 2005. Accordingly, the Notice of Abandonment mailed December 13, 2005 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter will be referred to Technology Center 3654 for appropriate action on the amendment filed August 10, 2005, a copy of which was submitted upon petition.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions